

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

TANIS MILICEVIC,

Plaintiff,

v.

CIVIL NO. 22-1202 (HRV)

UNIVERSAL INSURANCE COMPANY,

Defendant.

**ORDER**

The parties in this case originally consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c)(1). (Docket No. 22). Thereafter, the case was referred to a magistrate judge for all further proceedings including the entry of judgment. (Docket No. 23). After actively participating in this case, initially by providing legal defense to its insured, and subsequently by litigating as a party both dispositive and non-dispositive matters, defendant Universal Insurance Company (“Universal”) has raised the issue of lack of consent to the jurisdiction of the undersigned magistrate judge for the first time in its answer to the amended complaint. (Docket No. 127 at 12, ¶6).

Given this new assertion, and although there is no formal request, I feel obligated to *sua sponte* police my own jurisdiction before the case moves forward with scheduling and further proceedings. Accordingly, within 10 days from the issuance of this Order, Universal shall formally state its position regarding consent to the jurisdiction of a

1 magistrate judge and whether it is seeking that the case be referred back to the originally  
2 assigned Article III judge. In its pleading, Universal shall address why it should not be  
3 found to have impliedly consented to my jurisdiction given its conduct. *See Roell v.*  
4 *Withrow*, 538 U.S. 580, 589-90, 123 S. Ct. 1696, 155 L. Ed. 2d 775 (2003)(holding that  
5 inferring consent is appropriate when a litigant or counsel “has signaled consent to the  
6 magistrate judge’s authority through actions rather than words” and still voluntarily  
7 appear to try the case before the magistrate judge after being “made aware of the need to  
8 consent and the right to refuse it.”). Plaintiff Tanis Milicevic shall respond no later than  
9 10 days thereafter.

11 **IT IS SO ORDERED**

12 In San Juan, Puerto Rico this 12th day of August, 2024.

13  
14 S/Héctor L. Ramos-Vega  
15 HÉCTOR L. RAMOS-VEGA  
16 UNITED STATES MAGISTRATE JUDGE  
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